

685—4.30 (17A) Stays of OSA actions.**4.30(1)** *When available.*

a. Any party to a contested case proceeding may petition OSA for a stay of an order issued in that proceeding or for other temporary remedies, pending review by OSA. The petition shall be filed with the notice of appeal and shall state the reasons justifying a stay or other temporary remedy. The state archaeologist may rule on the stay or authorize the presiding officer to do so.

b. Any party to a contested case proceeding may petition OSA for a stay or other temporary remedies pending judicial review of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy.

4.30(2) *When granted.* In determining whether to grant a stay, the presiding officer or state archaeologist shall consider the factors listed in Iowa Code section 17A.19(5)“c.”

4.30(3) *Vacation.* A stay may be vacated by the issuing authority by application of any party to OSA or by OSA acting sua sponte.

[ARC 9025B, IAB 8/25/10, effective 9/29/10]